

Notice of Allowability	Application No.	Applicant(s)	
	10/797,808	KRIEGER, PAULA R.	
	Examiner	Art Unit	
	Kurt Fernstrom	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on May 16, 2005.
2. ☒ The allowed claim(s) is/are 2-4.
3. ☒ The drawings filed on 09 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

Claims 2-4 are allowed.

The following is an examiner's statement of reasons for allowance: In addition to the reasons presented in prior Office Actions, the newly discovered prior art does not disclose or suggest the claimed invention. Medow discloses a child's activity tote with transparent pockets on the outside for viewing cards and other items contained therein during travel. While the item is portable and intended for outside use, it is not an item selected from the group consisting of purses, briefcases, book covers, backpacks, handbags and attache cases as required by claim 3. The item is not considered an obvious variation on these items, as the invention is directed toward a common item, normally carried by a user, with a transparent pocket and cards as claimed. The purpose of the invention is to allow the user to learn information by viewing cards while outside the home, using a carrier than would normally be carried by the user, such as a purse. This eliminates the need for carrying an additional item such as a book. The device of Medow does not have a common purpose, apart from displaying the information. With respect to claim 2, Medow does not suggest the claimed method. The claimed invention is directed toward a method involving repeated viewing to learn information, as in the case of a set of flash cards. Medow is directed toward a device to provide entertainment for a small child during travel. There is no suggestion of the claimed method. As a result, the claims are allowable over Medow.

Russell discloses a purse with transparent pockets on the outside for displaying photographs. There is no suggestion of repeated viewing of the items displayed for educational purposes, and thus claim 2 is allowable over Russell. With respect to claim 3, the photographs of Russell are not considered to be "a series of printed visible representations of concepts to be learned by repetitive visual representations of visible representations of concepts to be learned by repetitive visual exposure thereto, as recited in the claim. This language is considered to have patentable weight, as it describes the content of the cards itself rather than an intended purpose of the device. The later recitation in the claim of cards having said representations thereon adds further weight to the language. Because the content of the flash cards has a distinct functional relationship to the substrate, it is not considered to be an obvious variation on the printed matter of Russell under *In re Gulack*, 217 USPQ 401 (CAFC 1983), which held that when claimed printed matter is not functionally related to the substrate it will not distinguish from the prior art in terms of patentability. The purpose of the present invention is clearly different from that of Russell, and the structures of the two devices are also different as recited in the claims. As a result, claims 2-4 are also patentable over Russell.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (571) 272-4422. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KF
August 8, 2005

**KURT FERNSTROM
PRIMARY EXAMINER**